THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5711 of 2007

Date: 22.03.2007

Between:

Chennuboina Malyadri

....Petitioner

and

The State of A.P. represented by its Secretary,
Revenue Department and another

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5711 of 2007

O R D E R:

The petitioner states that he purchased land in Survey No. 70/18 in an extent of Ac.1.81 cents situated at Bangarammapalem village, Sabbavaram Registry and Mandal, Visakhapatnam District. According to him, the sale deed executed by the vendor was presented to the 2nd respondent for registration. The grievance of the petitioner is that though the 2nd respondent initially received the document, subsequently, informed that it cannot be registered, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the lands in the said survey number, and kept the document pending. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme

Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the 2nd respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the 2nd respondent to process the document presented by the petitioner and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

22nd March, 2007.
Note: CC in three days.
Bo cvm

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77